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April 23, 2019

VIA EMAIL ludmer.margo@epa.gov

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Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2

NICHOLAS M. WARD-WILLIS
Principal Member
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Re: Canadian Radium and Uranium Site

Dear Margo:

My clients continue to be disappointed with EPA's response to the request that sampling be done at reasonable times taking into account the present use of the property. My clients were hoping after the conference that there would be modifications to the Administrative Order and were hopeful that in their April 17th email exchange with Dan Gaughan, the proposed schedule would reflect some of the discussions had at the conference. Unfortunately, it did not and my clients authorized us to file a Complaint against EPA seeking declaratory relief that the March 29, 2019 Administrative Order is arbitrary and capricious and not founded in law as well as an Order to Show Cause seeking a preliminary injunction to enjoin enforcement of the Order.

Kindly advise if your office is authorized to accept service or if there is someone in the United States Attorney General's office we should contact. Otherwise, we will make arrangements for service. Additionally and as previously advised, my clients have no objection to EPA accessing the property to place the radon canisters which can be done by contacting Mr. Victor Cannistra at his office number. Additionally, arrangements can also be made while the litigation is pending for EPA to conduct the radiological survey, which we understand will take approximately three or four hours and could be performed early on a Sunday morning or after 6:00 p.m. on a Saturday such that it would be conducted during hours that the Tesla facility is not open. Our clients are again agreeable to paying the additional cost incurred by EPA to have this work performed outside of normal business hours. It is also our understanding that the radiological survey needs to be performed before preparation for the advancement of the soil borings as the radiological survey will be used to determine the specific locations of the soil borings. Please advise if EPA wishes to proceed with this work while the underlying litigation is pending.

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Thank you for your attention.

Very truly yours,

Nicholas M. Ward-Willis

Nicholas M. Ward-Willis

NMW/sj

cc: Cannistra Realty, LLC